## CITY OF LEADVILLE, COLORADO Ordinance No. 2, Series of 2011

## AN ORDINANCE AMENDING CHAPTER 12.12 OF THE LEADVILLE MUNICIPAL CODE CONCERNING STREET EXCAVATIONS.

WHEREAS, City council finds, determines and declares amending the regulations and requirements regarding street excavations is necessary, reasonable and proper.

## NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEADVILLE, COLORADO:

- <u>Section 1</u>. Section 12.12.040 paragraph A of Title 12 of the Leadville Municipal Code is hereby amended as follows: in paragraph A to replace \$25 with "determined by resolution of City Council", in paragraph E to increase the amounts to \$500,000, and to add paragraph F requiring street supervisor approval, and thus paragraphs A and E and F are to read as follows:
  - A. The applicant shall pay to the city clerk at the time of the submissions of his or her application a permit fee determined by resolution of City Council. In the event the permit is denied, the permit fee shall be refunded. Once the permit is issued, the permit fee shall be nonrefundable.
  - E. At the time of the submission of the application the applicant shall also submit to the city clerk proof that the applicant has in effect at least five hundred thousand dollars (\$500,000.00) personal injury liability insurance and five hundred thousand dollars (\$500,000.00) property damage liability insurance.
  - F. Except as provided in section 12.12.050, all street excavation permits shall be jointly approved by the street supervisor and the city clerk or their designated representatives prior to beginning any excavation work.
- <u>Section 2</u>. Section 12.12.060 of Title 12 of the Leadville Municipal Code is hereby amended by deleting paragraphs A and B and references to a performance bond and replacing two years with five years in paragraph C regarding letter of responsibility in lieu of a performance bond and thus to read as follows:
  - 12.12.060 Letter of Responsibility.
  - Any applicant shall post a written letter of responsibility. Such letter shall unconditionally obligate the applicant to make the repairs under this chapter for a period of five years following the completion of the excavation. A letter of responsibility may not be withdrawn by the applicant during such period.
- **Section 3.** Section 12.12.070 of Title 12 of the Leadville Municipal Code is hereby amended by replacing two years with five years and thus the first sentence is to read as follows:
  - 12.12.070 Time and area limitation on obstructions.
  - I. In the event of settlement or subsidence of a particular excavation, repair, or part thereof, the permit holder who performed the excavation work shall be responsible for all costs occasioned thereby for a period of five years.
- **Section 4.** Section 12.12.050 of Title 12 of the Leadville Municipal Code is hereby amended to add notification of the street supervisor and thus to read as follows:
- In the event of an emergency involving a present danger to life, property or the public health a temporary verbal permit to excavate in a public way may be given by the mayor, the chief of police, street supervisor or their authorized representative. In the event of an emergency occurring during daytime hours the street supervisor, chief of police or police officer on duty shall be notified of the nature of the emergency, the location of the emergency, the nature of the emergency repairs to be performed and the time and date when work will commence and end. In the event of an emergency occurring during nighttime hours the dispatcher of the Lake County sheriff's department shall be provided with the same information. The written application, fee and bond required by this chapter shall be filed with the city clerk as soon as practicable thereafter.
- <u>Section 5</u>. Section 12.12.070 of Title 12 of the Leadville Municipal Code is hereby amended to add specification for backfill and to replace "building official" with street supervisor or their designated representative and thus to read as follows:

G. Backfill for deep pipe installation or repair shall be as follows: three-quarter inch or minus screened crushed rock around and for one foot above pipe, then one and one half to two inch screened crushed rock to within one foot of the surface, then ten to twelve inches of compacted road base then, if in existing pavement, four inches of asphalt or cold patch to be replaced by hot asphalt within four months or by October 1<sup>st</sup> of the next year. In the absence of the above backfill then at least ninety-five percent (95%) compaction with each eight inch lift of backfill will be required or flowfill will be used. Further specifications for the type of materials suitable for use as backfill, compaction testing, as well as other construction specifications, shall be as determined by the street supervisor or their authorized representative.

<u>Section 6.</u> Remaining provisions. Except as specifically amended hereby, all other provisions of Chapter 5.04, the Leadville Municipal Code and the various secondary codes adopted by reference therein, shall continue in full force and effect.

<u>Section 7</u>. <u>Severability</u>. Should any one or more sections or provisions of this ordinance or enacted hereby be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance, the intention being that the various sections and provisions are severable.

<u>Section 8.</u> <u>Emergency Declared.</u> The City Council finds that this Ordinance is necessary to the immediate preservation of the public health and safety in order to prevent street excavations which may present a hazard to motor vehicles or pedestrians.

<u>Section 9.</u> <u>Effective Date</u>. This Ordinance shall therefore take effect immediately upon adoption on second reading as provided by Section 31-16-105, C.R.S.

INTRODUCED, READ, APPROVED AND ORDERED PUBLISHED in full on first reading this 18th day of April, 2011.

CITY OF LEADVILLE, COLORADO

ATTEST:	Rhonda Huggins, Mayor ProTem
Joseph Swyers, City Clerk	
PUBLISHED in full in <i>The Herald</i> Leadville, Colorado, on the 28 <sup>th</sup> day of A	Democrat, a newspaper of general circulation in April, 2011.
PASSED AND ADOPTED ON BY TITLE ONLY with amendments on	FINAL READING AND ORDERED PUBLISHED the 17 <sup>th</sup> day of May, 2011.
	CITY OF LEADVILLE, COLORADO
ATTEST:	Bud Elliott, Mayor
Joseph Swyers, City Clerk	
PUBLISHED by title only in <i>The Herald L</i>	Democrat, a newspaper of general circulation in the City
of Leadville, Colorado, on the day	of, 2011.